

NH Dredge Management Task Force

Meeting Minutes – May 31, 2007

DES Pease Office

The meeting was held on Thursday, May 31, 2007 from 1:30 PM to 4:05 PM at the Department of Environmental Services/New Hampshire Coastal Program Office, 50 International Drive, Pease Tradeport, Portsmouth, NH.

- **Introductions & Announcements** - Chairman Williams did not have any announcements. He asked members to introduce themselves.

Attending members:

Steve Bird, City of Dover
Robert Boeri, Massachusetts Office of Coastal Zone Management
Liz Chamberlain, Senator Sununu
Caroline Ganley, Congresswoman Shea-Porter
Mark Habel, Army Corps of Engineers (ACOE)
Michael Johnson, National Marine Fisheries Service (NMFS)
Clare McBane, NH Fish and Game (NHF&G)
Ryan McCarthy, ENSR
Ed O'Donnell, ACOE
Dean Peschel, City of Dover
Frank Richardson, NH Dept. of Environmental Services (NHDES) Wetlands Bureau
Tracy Shattuck, PDA, Division of Ports & Harbors (PDA-DPH)
Fred Short, UNH – Jackson Lab
Michael Sills, NHDES Waste Management Division
Michael Walsh, ACOE

Guests:

John Nelson, NHF&G
J.P. Nadeau, Witch Cove Marina

Staff:

Chris Williams, Chairman, NH Coastal Program (NHCP)
Ted Diers, Manager, NHCP
Mary Power, NHCP

- **Legislative Update** – Chair asked the Congressional delegation staff if there was any new budget information to report from D.C. Sen. Sununu (Liz Chamberlain) said the 2008 fiscal year budgeting process is underway. The Water Resources Development Act has passed the Senate. She stated that Senators Gregg and Sununu sent a joint letter to the Commander of the ACOE's North Atlantic Division in mid April asking that the agency restore \$159,000 of a previous \$250,000 Congressional appropriation so that Phase II of the New Hampshire Comprehensive Upland Dredge Material Disposal Study

could be completed. To date, there has been no response to the letter. Representative Carol Shea-Porter (Caroline Ganley) had nothing new to report from the House of Representatives. ACOE (Mark Habel) stated the New England District has formulated the FY '09 budget that will be submitted to North Atlantic Division on June 1st.

• **Sagamore Creek** – Chair said he met with ACOE, NMFS and NHF&G in mid-April to discuss dredging options for Sagamore Creek. Because PDA-DPH was unable to attend the mid-April meeting, another meeting, attended by the NHCP, ACOE, PDA-DPH, NHF&G and the NHDES Wetlands Bureau, was held prior to today's Task Force meeting. The Chair asked the ACOE (Mike Walsh) to summarize the meetings. Walsh stated that the ACOE has determined that the Witch Cove Marina docking facilities that encroach into the federal channel can remain in place. As a result, the ACOE is now reviewing the following three dredging alternatives: 1) fully dredging the federal channel; 2) partially dredging the federal channel to avoid eelgrass beds; and 3) realigning the channel away from the Witch Cove Marina encroachments. Based on discussions at the aforementioned meetings, the ACOE's preferred alternative, which is also preferred by NMFS, NHF&G and the NHDES Wetlands Bureau, is to partially dredge the channel so as to avoid impacting eelgrass beds. PDA-DPH has determined that the preferred alternative will meet the navigation needs of the primary users of Sagamore Creek. Walsh stated that the next steps involve coordination with state and federal resource agencies and preparation of an environmental assessment. NMFS (Mike Johnson) asked if there would be any indirect impacts to eelgrass from the dredging of the channel side slopes. ACOE (Walsh) said that the only potential indirect impacts would be increased turbidity, which would be minimal. Discussion followed. ACOE (Ed O'Donnell) asked if a disposal site had been identified. Walsh stated that the dredged material will be disposed of offshore from Wallis Sands State Park. UNH (Fred Short) handed out information documenting recent declines in eelgrass populations in the Great Bay Estuary. Increased suspended sediments along with increased dissolved inorganic nitrogen appear to be the two most significant causes for the eelgrass decline. He recommended avoiding or minimizing any activity that creates additional turbidity in the system. Discussion followed.

• **Cocheco River Dredge** - ACOE (Walsh) said this season's dredging is over and the project is complete through the lower narrows. If future funding is allocated to complete the project, the ACOE will put out another contact request to dredge the additional ±14,000 cubic yards of "soft" (e.g., sand) material that remains below the lower narrows. Chair inquired about the costs to complete the project. Walsh estimates that approximately \$3.8 million is needed to complete the project, including all construction costs and user fees to the City of Dover for its dredge material disposal facility. Discussion followed.

• **Other Business -**

Little Harbor hydrographic condition survey - ACOE (O'Donnell) said that survey is scheduled to be performed this summer and that results should be available by the end of the summer.

Piscataqua River Turning Basin Feasibility Study - ACOE (Habel) said that the ACOE has received the state's (PDA-DPH) contribution for this fiscal year. The ACOE will begin moving forward with the Feasibility Study. He stated that priorities for fund expenditure would include subsurface exploration and sediment sampling.

Hampton Section 107 Feasibility Study Report - ACOE (Habel) stated that the Draft Feasibility Study will be complete by the end of the summer.

NH House Bill 216: Relative to Establishing a Commission to Study Sedimentation in the Great Bay Estuary – Chairman gave a Power Point presentation summarizing HB216, which was signed by the Governor on May 14, 2007. Commission membership includes, in part, NHDES, NHF&G, PDA-DPH, and UNH, all of which are members of the NH Dredge Management Task Force (DMTF). In addition, one of the duties of the Commission is to seek assistance from federal agencies, including the ACOE, NMFS and EPA, also members of the DMTF. Therefore, the DMTF is in a unique position to provide input to the Commission. The Chairman asked members from the ACOE and NMFS to consider being contacts for the Commission.

National Dredging Policy & National Dredging Team Action Agenda – Chairman gave a Power Point presentation summarizing the National Dredging Policy (NDP) and the National Dredging Team (NDT) Action Agenda. He stated that the NDT has been charged by the Committee on the Marine Transportation System to review the NDP and the NDT Action Agenda to reaffirm their adequacy in support of the U.S. Marine Transportation System. As a result, the NDT has charged the New England Regional Dredging Team (a.k.a. Sudbury Group), which in turn has requested that each state dredging team, including the NH DMTF, review the NDP and NDT Action Agenda. Chair reviewed the NDP and NDT Action Agenda with members and requested comments by mid-June.

Schedule next DMTF meeting - Chairman suggested Wednesday, September 12, 2007. All agreed.

• **Dredge Windows** –

Costs associated with dredge windows – ACOE (Walsh) gave a presentation which focused on the costs of the Cocheco River dredging project. He discussed the increased costs of dredging due to winter weather conditions. He stated that New Hampshire's relatively short dredge window also added to the project cost. He stated that ice in the Cocheco this past dredging season was such that productivity was reduced by nearly 90% for almost an entire month. Walsh stated that adverse impacts to aquatic resources are likely higher as a result of multiple years of dredging. He suggested that completing a project in a single, extended dredge season might be less environmentally harmful. He continued by providing a cost analysis of a dredging project under two different dredge window scenarios. He concluded that the project with the longer dredge window (September 15 - May 15) would cost approximately \$1 million less than the scenario with the shorter window (November 15 – March 15). NH F&G (John Nelson) asked if the contractor actually started on November 15th. ACOE (Walsh) stated that the contractor

did start on November 15th the first year, but they did not start on time last year. NH F&G (Nelson) stated that rock removal should be categorized as channel construction, not maintenance dredging. City of Dover (Dean Peschel) said the first contractor needed two-to-three weeks to construct the offloading facility. NH F&G (Nelson) asked if any of the work under the agreed-upon contract was not completed. ACOE (Walsh) stated that the contractor did not complete the work because the progress was slowed due to ice and cold weather conditions. The contractor asked for, was granted, and utilized a time extension. ACOE (Walsh) stated that granting of extensions or adjustments to dredge windows is necessary on some projects. He requested that in the future they be granted on a site specific basis.

Fisheries and dredge windows – NMFS (Mike Johnson) gave a Power Point presentation about the importance of dredge windows and how they affect the life cycle of certain fish species. He discussed the data that are used to establish the need for dredge windows, the impacts associated with dredging, and when and why dredge windows are used. Discussion followed. NMFS (Johnson) said that dredge windows can be modified if the data supports such a modification. He stated that this was the case with the Cocheco project. UNH (Fred Short) stated that some migratory fish have good and bad year classes which are highly variable. If there have been several bad years followed by a productive year, an expansion of the window resulting in heavy siltation during the fish run could damage the population. Discussion followed. NH F&G (Nelson) stated that NHF&G would try to accommodate requests for extensions of the dredge window. Any decision to do so will be based on review of available data and information, and will be made on a site-specific basis.

ACOE (Ed O'Donnell) asked if the state would be willing to assume some of the dredging costs. NH F&G (Nelson) said that perhaps Congress should allocate more money for NH given the higher costs of dredging in colder months. He also added that NH's dredge window has been in place for some time. Chairman stated that NHDES Wetlands Bureau Rule Wt 304.11, which establishes the November 15 – March 15 dredge window, has been in effect since 1984. NHF&G (Nelson) stated that the dredge window was in place as guidance, not as a rule, as early as the late 1970s. Sen. Sununu (Liz Chamberlain) stated that costs for the Cocheco project were also higher due to the unexpectedly high levels of contamination in the dredged material. She reminded members that funds for the Cocheco project were 100% earmarked, and that the project would not have been conducted were it not for NH's Congressional delegation.

NH F&G (Nelson) reiterated that the dredge window is determined by factors such as the existing species and other local data. NHF&G looks at the overall system when determining the appropriate dredge window. He stated that NHF&G in the past has agreed to modify the dredge window, and would continue to do so on a site-specific basis if the best available data and information support such a decision.

Discussion followed to include the fact that all other New England states have windows with varying start and end dates. It was added that in some states, large projects, especially those that are public safety issues, do not have to comply with window

timeframes. DES (Richardson) made the suggestion that when a dredging contractor is hired they should be required to have all necessary equipment in place and ready to begin on the first day of the dredge window. Discussion followed. Chairman asked if anyone had additional comments. (UNH Fred Short) said that it is still unclear how healthy eelgrass is in the winter during the dredging window. Because the Great Bay Estuary is currently not in a healthy state, creating areas of reduced light, even in the winter, may be critical to eelgrass survival in many places. He continued by saying that eelgrass begins to grow rapidly in late March into April. If the dredge window is extended into April, any turbidity created may wipe out a population of eelgrass. NH F&G (Nelson) said that the timing of the dredge window is based on potential impacts to all living resources, including eelgrass, in the proposed dredging area. Discussion followed about the impacts of dredging versus the impacts from storms that have occurred within the last two years.

Adjourned 4:05 PM